

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, August 16, 2010

Those Present: Mr. James E. McClellan, Chairman
Mr. Robert C. Snyder, Board Member
Mr. Charles R. Cline, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Ashley Sklarew, Administrative Specialist IV
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:30 am by Chairman McClellan.

1. **Wilcom's Inn** – Ms. Vahle stated that this licensee had requested to play Pour House Trivia and they are giving away t-shirts and gift certificates. This falls within the normal approval guidelines so this was approved.
2. **TGI Fridays** – Ms. Vahle stated they will be giving away t-shirts and mirrors for their Best Bartenders Contest and they do flair performances where they juggle the bottles in the air. What they will be giving away for raffles are the t-shirts and the mirrors and the larger mirrors are to be auctioned off to the public. Ms. Vahle spoke to the Permits Department and they will need to get a permit for the raffles. This establishment would like permission from the Board to give away t-shirts and mirrors and this would be over the \$25 value. The Board approved this request.
3. **Sheetz** – Ms. Vahle stated they had a request to postpone their hearing which was scheduled for August 2, 2010. They did pay their \$100 reschedule fee. The Board approved this request.
4. **Bentz Street Rawbar** – This establishment has requested postponement for the conference regarding the Beer Pong. They have also requested that one of the licensees be excused from this conference because she is a secretary who does not have a part in the daily operation. They have contested the \$100 fee for postponement. The Board approved the rescheduling and excused the licensee Claudine Schiller.

5. **Fajita Grande** – Ms. Vahle stated this establishment requested to use an outbuilding on the side of the restaurant as a waiting room and would like to serve alcohol. The Fire Marshal approved it; the City Permits said they would need a Zoning Certificate. The Inspector went out and inspected this area. They will ask for sidewalk area permission later. The Board approved the outbuilding use.
6. **Regulations** – Ms. Vahle stated that she has some final work to do on the regulations and once that is done the regulations will go to the printer.
7. **Violation Guidelines** – These are being reviewed by Mrs. Thall. Ms. Vahle will present a draft copy to the Board and then the Board can start discussions.
8. Decision Required: Approval of the Public Meeting Minutes that were corrected February 22, 2010 and July 12, 2010. The Minutes for August 2, 2010.

MOTION: Mr. Snyder made a motion to approve the Minutes for February 22, 2010, July 12, 2010 and August 2, 2010.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. McClellan-Aye
Mr. Cline-Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

9. **Greene Turtle** – Mr. Snyder asked about Police Reports regarding this establishment after the recent stabbing. Ms. Vahle stated she had seen Police Reports for an incident that happened on Citizens Way, which is their address but did not say Greene Turtle. She will contact the City Police and get a rundown on all the calls. Mr. Snyder said that it is up to the City Police to contact us with reports.
10. Decision Required: Violation

RE: James Plamondon, Peter Plamondon
& Peter Plamondon, Jr. for the use of
Plamondon Hospitality Assoc, LLC
t/a Courtyard by Marriott
5225 Westview Drive
Frederick, Maryland 21703
Class B, On Sale, Beer, Wine & Liquor
Hotel License
License Number 11BL 1227 HT
FCLB Case Number: 4407

The Board held a violation hearing for renovation without permission of the Board. Mrs. Thall swore in the witnesses. (See attached Sign In Sheet). Mr. James Plamondon pled Guilty with explanation. He explained that they began construction on April 5th, 2010 and had obtained all the permits but forgot to notify the Liquor Board. The license was brought into the Liquor Board and the plans were also brought in.

MOTION ONE: Mr. Snyder made a motion for a fine of \$100.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline – Aye
Mr. McClellan-Aye

Aye – 3 Nay – 0

(Motion Passed)

Mr. James Plamondon requested that the Board waive the postponement fee. The Board denied the request.

11. Decision Required: Violation

RE: Daniel Cruz
for the use of Cruzala, Inc
t/a Danielle's Restaurant
6 N. East Street
Frederick, Maryland 21701
Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 1263

The Board held a violation hearing for: 1. Not adhering to the hours of operation filed with the Board, and 2. Not receiving approval for a private party. Mrs. Thall swore in the witnesses. (See attached Sign In Sheet). Mr. Cruz pled Not Guilty with an explanation. The Liquor Inspector testified that he visited this establishment May 29, 2010 and they were closed to the public because of a wedding. The licensee did not notify the Board that they were going to be closed. Mr. Cruz stated that because of problems with organizing the wedding reception and two cooks being out they had made the decision not to take walk ins for a period of two to three hours. The Manager is new and told the Inspector that they were closed. Mr. Cruz said they never close to the public.

The findings of fact were as follows: 1. The restaurant was closed to the public on May 29, 2010. 2. The restaurant failed to adhere to hours of operation that were on file with the Board. 3. The licensee failed to provide the Board with timely notification of the change in the hours of operation. 4. The licensee did not submit a written request to the Board for the approval of the party in at least two weeks in advance. 5. The Board did not approve a private party on May 29, 2010.

MOTION ONE: Mr. Cline made a motion to forgive the first violation but the Guilty plea will stand. For the second violation, Guilty with a fine of \$100.

SECOND: Mr. Snyder seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Snyder – Aye
Mr. McClellan-Aye

Aye – 3 Nay – 0

(Motion Passed)

15. Decision Required: Violation

RE: Roselyn Ramos, Fawaz Al-Chikh
and Ahmad Ayyad for the use of

Mirage Café & Grill, LLC
t/a Mirage Café & Grill
243 N. Market Street
Frederick, Maryland 21701
Class B, On Sale, Beer, Wine & Liquor
License Number 11BL 1862
FCLB Case Number: 4410

The Board held a violation hearing for: 1. Not being open to the public on June 3, 2010 at the scheduled time. 2. On June 7, 2010, the Liquor Inspector and a Comptroller's Agent found 42 bottles empty liquor bottles. Mrs. Thall swore in the witnesses. (See attached Sign In Sheet). Mrs. Ramos pled Guilty to both charges. Mr. Al-Chikh stated that he is usually there in the afternoon in case someone does not show up but this time he was stuck at the airport. Mr. Al-Chikh stated the reason they had the 42 bottles there was because they participate in recycling and the recycling people had not picked up the bottles yet.

MOTION ONE: Mr. Snyder made a motion for a fine of \$500 for not being open to the public. For not disposing of the liquor bottles a \$1,000 fine with a 30 day suspension but to hold the 30 day suspension in abeyance. If the violation occurs again, the suspension will activate.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Snyder – Aye
Mr. Cline – Aye
Mr. McClellan-Aye

Aye – 3 Nay – 0

(Motion Passed)

ADJOURN

The meeting was adjourned at 9:45 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees